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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,105	09/18/2003	Edward L. Gibbs		7136

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GARY PETERSON  
101 N. ROBINSON AVE., SUITE 1300  
OKLAHOMA CITY, OK 73102

EXAMINER

KERNS, KEVIN P

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,105

Applicant(s)

GIBBS, EDWARD L.

Examiner

Kevin P. Kerns

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-18 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/29/03, 1/2/04, 5/24/04, 10/2/04
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group III (claims 15-18) in the reply filed on June 23, 2005 is acknowledged.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "5-5" (Figure 4). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

On page 1, 1<sup>st</sup> paragraph, the status of 10/140,915 should be updated to show that it has issued as US Patent No. 6,811,145.

On page 14, 1<sup>st</sup>, 8<sup>th</sup>, and 11<sup>th</sup> lines, it is believed that "16" should not refer to the "panel".

On page 18, last line, the "sixth row" should be labeled as "94".

On page 19, 1<sup>st</sup> six lines, the "first and second rows" should be labeled as "84 and \*86", and the "third row" should be labeled as "88".

On page 19, last line, replace "seven" with "seventh".

On page 22, 4<sup>th</sup> line from the end, replace "101" with "103".

On page 27, 11<sup>th</sup> line, as well as page 28, 10<sup>th</sup> line, replace "106" with "108".

On page 29, 3<sup>rd</sup> line, replace "10" with "104".

On page 29, 9<sup>th</sup> line from the bottom, replace "106" with "108".

On page 31, 6<sup>th</sup> line, replace "143" with "134".

On page 33, 9<sup>th</sup> line from the bottom, it is believed that "82" should not refer to the "welded panel".

On page 35, 4<sup>th</sup> line, it is believed that "72" should not refer to the "carriage".

On page 36, 8<sup>th</sup> and 14<sup>th</sup> lines, it is believed that "96" should be deleted after "grippers".

On page 36, last line, replace "164" with "168".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 15, the limitation "may be" is indefinite as it broadly defines an optional function of positioning of the flat panel framework, and it does not exclude the possibilities of vertical and/or angled orientations of the flat panel framework.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Rach (US 3,597,568).

Rach discloses an apparatus for making reinforcing steel mats (flat panel framework having opposed first and second sides to be horizontally positioned at a first

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welding position), in which the apparatus comprises a plurality of welding stations (multiple spot welding machines for simultaneous welding) arranged in first and second rows and having a plurality of adjacent electrodes 5; and an advancing means (conveyor) that is capable of transporting the flat panel framework horizontally to a second welding position (abstract; column 1, lines 4-9; column 2, lines 1-22 and 58-75; column 3, lines 1-75; column 4, lines 1-34; and Figures 1-5).

8. Claims 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahn (US 5,403,985).

Ahn discloses a machine for manufacturing construction panels (flat panel framework having opposed first and second sides to be horizontally positioned at a first welding position), in which the machine comprises a plurality of welding stations (multiple spot welding machines 40,42 for simultaneous welding) arranged in first and second rows and having a plurality of adjacent electrodes; and a carriage and carriage driving means 44,46 (conveyor) that is capable of transporting the flat panel framework horizontally to a second welding position (abstract; column 1, lines 6-17; column 3, lines 10-26; column 4, lines 34-68; column 5, lines 1-11; column 6, lines 14-35; column 7, lines 10-68; column 8, lines 1-14; and Figures 2 and 10).

9. Claims 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Candiracci (US 4,917,284).

Candiracci discloses an apparatus for manufacturing building panels (flat panel framework having opposed first and second sides to be horizontally positioned at a first welding position), in which the apparatus comprises a plurality of welding stations (multiple upper and lower welding elements 19,51 for simultaneous welding) arranged in first and second rows and having a plurality of adjacent electrodes; and an advancing means in the form of slidable frame 10 (conveyor) that is capable of transporting the flat panel framework horizontally to a second welding position (abstract; column 1, lines 62-68; column 2, lines 1-68; column 3, lines 1-68; column 4, lines 1-21; and Figures 1-3).

10. Claims 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Senn (US 4,174,475).

Senn discloses a welding structure for spot welding steel mesh (flat panel framework having opposed first and second sides to be horizontally positioned at a first welding position), in which the apparatus comprises a plurality of welding stations (multiple welding guns 120 with electrodes 124 for simultaneous welding) arranged in first and second rows and having a plurality of adjacent lower electrodes 132; and an advancing means in the form of a roller conveyor 168 that is capable of transporting the flat panel framework horizontally to a second welding position (abstract; column 1, lines 7-16 and 34-63; column 2, line 17 through column 5, line 51; and Figures 1-3).

11. Claims 15, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramstein et al. (US 3,139,504).

Ramstein et al. disclose a multipoint spot welding machine (flat panel framework having opposed first and second sides to be horizontally positioned at a first welding position), in which the machine comprises a plurality of welding stations (multiple spot welding guns for simultaneous welding) arranged in first and second rows and having a plurality of adjacent electrodes (column 1, lines 10-20, 30-58, and 70-72; column 2, lines 1-71; column 3, lines 1-60; and Figures 1 and 2).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,627,832 and US 6,811,145 (issued from parent application) are also cited in PTO-892.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kevin P. Kerns whose telephone number is (571) 272-1178. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin P. Kerns *Kevin Kerns 8/20/05*  
Primary Examiner  
Art Unit 1725

KPK  
kpk  
August 20, 2005